

REMARKS

In the May 19, 2008 Office Action, all of the claims stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the May 19, 2008 Office Action, Applicant has amended claims 1, 2, 4-6, 9, 10 and 18-20 as and cancelled claims 3, 7, 8, 11-13, 21, 22 and 26-37. Thus, claims 1, 2, 4-6, 9, 10, 14-20 and 23-25 are pending, with claims 1, 4 and 18 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 102

In paragraphs 1 and 2 of the Office Action, claims 1-14, 16-23, 25-30 and 32-37 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,962,364 (the Ju et al. patent). In response, Applicant has amended independent claims 1, 4 and 18 to clearly define the present invention over the prior art of record.

Independent Claims 1 and 18

In particular, independent claims 1 and 18 now more clearly recite an air bag apparatus that at least includes

- (1) an air bag body including a ***first inflatable chamber inflatable to overlie a pillar member*** and a ***second inflatable chamber inflatable to overlie a side window***; and
- (2) a fluid supply delay device including a duct having first and second outlet ports in which the first outlet port has an opening area smaller than that of the second outlet port so as ***to reduce a flow rate of a high-pressure fluid supplied to the first inflatable chamber as compared to that of the high-pressure fluid supplied to the second inflatable chamber*** so that the ***second inflatable chamber is fully inflated*** to overlie the side window ***before the first inflatable chamber is fully inflated*** to overlie the pillar.

This structure is *not* disclosed or suggested by the Ju et al. patent or any other prior art of record. The Ju et al. patent discloses a side curtain airbag that is segmented into a plurality of smaller compartments 60a to 60d, wherein the compartments 60a to 60d are inflated by a distribution tube 100. This distribution tube 100 allegedly provides *uniform distribution of the air flow* so that the compartments 60a to 60d are uniformly filled (see column 5, lines 4 to 15 of the Ju et al. patent). Independent claims 1 and 18 recite an air bag apparatus in which the *second inflatable chamber is fully inflated* to overlie the side window of the vehicle *before* the *first inflatable chamber is fully inflated* to overlie the pillar of the vehicle. Thus, the Ju et al. patent *teaches away* from the sequential inflation as set forth in claims 1 and 18. Moreover, the Ju et al. patent is silent on the relationship between the airbag and the pillars, other than compartment 60a overlies the A-pillar.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claims 1 and 18, as now amended, are not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that dependent 2, 5, 6, 9, 10, 14-17, 19, 20 and 23-25 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate independent claims 1 and 18, neither does the prior art anticipate the dependent claims.

Independent Claim 4

Regarding independent claim 4, an air bag apparatus is recited that at least includes

- (1) an air bag body including a *first inflatable chamber inflatable to overlie a pillar member* and a *second inflatable chamber inflatable to overlie a side window*; and
- (2) a fluid supply delay device including a duct having an outlet port communicating directly with the second inlet port, with *the duct being free of an outlet port that directly communicates a high-pressure fluid supplied to the duct so that the high-pressure fluid is supplied indirectly to the first inflatable chamber only through the passage to reduce a flow rate of the high-pressure supplied to the first inflatable chamber as compared to that of the high-pressure fluid supplied to the second inflatable chamber* so that the second inflatable chamber is fully inflated to overlie the side window before the first inflatable chamber is fully inflated to overlie the pillar.

This structure is *not* disclosed or suggested by the Ju et al. patent or any other prior art of record. As mentioned above, the Ju et al. patent discloses a distribution tube 100 that allegedly provides *uniform distribution of the air flow* so that the compartments 60a to 60d are uniformly filled (see column 5, lines 4 to 15 of the Ju et al. patent). Independent claim 4 recites an air bag apparatus in which the *second inflatable chamber is fully inflated* to overlie the side window *before* the *first inflatable chamber is fully inflated* to overlie the pillar. Thus, the Ju et al. patent *teaches away* from the sequential inflation as set forth in claim 4. Thus, the Ju et al. patent fails to anticipate claim 4 as now amended.

Applicant respectfully requests withdrawal of the rejection.

Rejections - 35 U.S.C. § 103

In paragraphs 3 and 4 of the Office Action, claims 15, 24 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,962,364 (Ju et al.). In response, Applicant has amended independent claims 1 and 18 as mentioned above.

It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art provides an *apparent reason* for the desirability of the modification. Accordingly, the prior art of record lacks any apparent reason, suggestion or expectation of success for modifying the Ju et al. patent to create the Applicant's unique air bag apparatus as recited in the independent claims. Moreover, Applicant believes that dependent claims 15 and 24 are further allowable because they include additional limitations. Therefore, Applicant respectfully requests that this rejection be withdrawn in view of the above comments and amendments.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1, 2, 4-6, 9, 10, 14-20 and 23-25 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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